

VOI. XVII. NO. 94.

PADUCAH, KY., THURSDAY, APRIL 20, 1905.

10 CENTS PER WEEK.

## MUCH INTEREST IS TAKEN IN OPINION

Seems to Pass on Two or Three Questions of Importance.

Prisoners May Be Worked On the Streets—Knocks Out Section of the Charter.

AND ALSO DEFINES "CRIME"

The court of appeals in its decision yesterday in the Sam Stone case from Paducah, involving half a million dollars worth of damage suits against the city, seems to have decided two points clearly.

One of these is that the ordinances authorizing city officials to work prisoners on the streets for fines, are valid and enforceable, and a person may be worked on the streets here after conviction for misdemeanor.

Another important point is that police magistrates or judges in second class cities cannot take final jurisdiction in petty larceny cases, as they have been doing. Yesterday's decision holds that a police judge's jurisdiction cannot be in any case where the fine and imprisonment may be more than \$100 and fifty days. This would restrict police judges to misdemeanors, and invalidate that part of the second class charter enabling police judges to sentence prisoners to the lockup or workhouse for petty larceny.

Another question that the court of appeals passes on is that of "poorage." Of course this opinion will have no effect on the federal court's construction of the term, but the Kentucky court of appeals states that it believes that "crime," both in the thirteenth amendment to the federal constitution and in its state constitution, means both felonies and misdemeanors.

The decision relative to the jurisdiction of police judges, however, will prove of unusual importance, as it knocks out a section of the second class charter that had not heretofore been passed on. It means that in second class cities, as well as in third class cities, prisoners charged with petty larceny must be tried by the county or circuit judge.

City Solicitor Ed Puryear has telegraphed for a complete transcript of the opinions, and until it arrives a number of things will not be fully understood.

Attorney J. M. Worten, who is in Smithland, attending court, stated over the telephone today that he could not make a statement until he saw the court's opinion in the case. He said it was possible the decision means all the cases will have to be dismissed, but that on the other hand it may not. The suit decided yesterday was an ex parte petition filed principally to test certain questions involved.

## OUT THREE MINUTES.

Memphis Negro Sentenced to Hang For Outraging a Louisiana Woman.

New Iberia, La., April 20.—The negro Holmes, charged with outraging a white woman on Avery Island some weeks ago, was tried in the district court here today. Holmes was identified by his victim in court.

After listening to the revolting evidence, the jury retired and in three minutes returned with a verdict of guilty as charged. The judge thereupon sentenced the negro to death.

Under the law of Louisiana the governor will fix the date for the execution. Holmes came here from Memphis, Tenn. He narrowly escaped lynching when the crime was committed, and only the promise of a speedy trial by the district judge saved him.

## IN JUNE

Remains of John Paul Jones Will Arrive.

Paris, April 20.—The state department has advised Ambassador Porter that an American squadron has been sent to take the body of John Paul Jones to the United States probably in June. It is expected the French government will participate in an imposing funeral pageant when the body leaves Paris. Detailed plans have not yet been made but it probably will occur shortly before the French national holiday, June 14. Large forces of French soldiers and sailors will form the escort.

## MORE RIOTING.

Strikers Attack a Church and Are Dispersed by Soldiers.

Limoges, France, April 20.—There was more rioting by striking porcelain workers last night. They attacked a church and soldiers finally dispersed them by firing in the air.

Y. M. C. A. AT FULTON.

Preparations Being Made to Establish One.

Fulton, Ky., April 20.—The establishment of a Y. M. C. A. in Fulton is the latest enterprise undertaken by the ministers in this city. They are receiving great encouragement from the business men and citizens in general. The railroad men here are all in favor of establishing such an institution for they realize the great advantages it will afford them. A committee has already been appointed to select a suitable location for the building and the success of the enterprise seems assured.

The South Fulton Institute has been closed on account of the lax attendance of the pupils. This is the first time the doors of this old institution of learning have been closed in many years. It was until about two years ago known as the South Fulton Normal and Business College.

"HE'S A BEAUT."

Is Courier's Opinion of President Roosevelt as a Hunter.

Glenwood Springs, Colo., April 20.—While Courier Chapman was reticent at Newcastle, he was different when his journey was at an end and Secretary Loeb had removed the injunction of secrecy. His eyes kindled with a fire that told his admiration for the president's prowess as a hunter more than could the words at his command. One expression which the hardy mountaineer injected into his story was:

"Say, fellows, he's a beaut and no mistake. The way he scents game would make you think he was born in the mountains and had never left them. Say, now, being president don't make any difference with a man that's got the real stuff in him. Goff said he was the real thing, and did not need showing, but I did not believe it."

## SOUTHERN COLLEGES.

Will Receive Bequests From a Chicago Capitalist.

Chicago, April 20.—Gifts amounting in all to \$250,000 will be made this year to small colleges in the rural districts of Tennessee, North Carolina and West Virginia. This announcement was made today by Dr. D. K. Pearsons, retired capitalist and benefactor of many small colleges in the United States.

"I am not going to give to any rich colleges," said Dr. Pearsons. "I have a lot of colleges to choose from in distributing the \$250,000 that I have decided to send down south. I am going to pick out the very poorest and most worthy and have the money ready by May 1."

## PRISONERS PERISH

In an Effort to Burn Their Way Out of Jail.

New Orleans, La., April 20.—In an attempt to escape prisoners fired the parish jail at Pontchartroula, La., forty-two miles from New Orleans, with the result that two of them were cremated and a third fatally burned.

The dead: HENRY TAYLOR, Vine Mount, Ala. JIM REILLY, Philadelphia, Pa. Fatally burned: LUCIEN GEORGE DE LAS, La Fayette, La.

## ALL ACCEPTED.

Alleged Crooked Pension Examiners Retire in a Hurry.

Washington, April 20.—Secretary Hitchcock has accepted the enforced resignations of nine of ten members of the board of review, pension office, who were accused of approving applications for pensions of members of Pennsylvania and volunteer regiments which never served in the civil war.

## Joe Jefferson Better.

East Palm Beach, Fla., April 20.—Joseph Jefferson's physicians say his condition is much improved and now hopes for recovery.

## TODAY'S MARKETS

Wheat—	Open.	Close.
May, .....	1.13 1/2	1.10
July, .....	.87 1/2	.87 1/2
Corn—		
May, .....	.47 1/4	.47 1/2
July, .....	.47 1/2	.47 1/2
Oats—		
May, .....	.29 1/4	.29 1/2
July, .....	.29 1/4	.29 1/2
Pork—		
July, .....	12.75	12.75
Cotton—		
May, .....	7.39	7.36
July, .....	7.31	7.28
Aug., .....	7.33	7.32
Oct., .....	7.45	7.40
Stocks—		
L. & N., .....	1.46 1/2	1.47 1/2
L. C., .....	1.64	1.64 1/2

## HYDE IS ASKED TO RESIGN POSITION

Committee Appointed by Equitable Agents to Wait on Him.

Hyde Declared It Was Insulting and Impertinent, and He Would Not Resign.

HAS RETAINED MR. CHOATE.

New York, April 20.—After a protracted session behind closed doors, the two hundred or more general agents of the Equitable Life Assurance society, yesterday adopted a resolution calling upon Vice-President Hyde to resign, and appointing a committee to call on Hyde and present the demand.

All members have bound themselves to secrecy but it is the general opinion it will report today.

The agents went into session at 11 o'clock yesterday morning and it was 3 p. m. before recess was taken. It was learned that there was discussion over the Hyde resolution and its construction. This resolution the secretary of the agents would not give out until notified by the committee that a copy had been served on Hyde.

When the recess was taken Mr. Hyde was informed that the committee of agents would reach his office at 4 o'clock. He waited its arrival in company with his personal counsel. At 5:30 the committee had not appeared and Mr. Hyde with his counsel left the office of the Equitable.

Mr. Hyde said: "I have not seen the committee and I have not seen the resolutions, but consider them impertinent, extraordinary, insulting and most preposterous. I have no intention of resigning."

When the agents resumed their session a committee of 72 was appointed to go to Albany Friday to petition the insurance commissioner and Governor Higgins to urge the mutualization of the Equitable. Among others on this committee are C. W. Walker, Springfield, Ill.; Elmer Dwigins, Des Moines; W. A. Sanders, Detroit; L. D. Wilkins, St. Paul; H. D. Neely, Omaha; W. J. Keating, Sioux Falls, S. D.

It was after the appointment of this committee that it was decided it would be advisable to form a permanent organization and a committee on permanent organization of the "National Association of Managers" was named. President Alexander and Second Vice-President Tarbell were brought before the convention. Both made brief speeches in which they referred to their relations with the agents and their desire to forward best the interests of the Equitable society.

The Times says that "James H. Hyde has retained Joseph H. Choate, the returning ambassador to England, as one of his legal advisers in the Equitable controversy. Negotiations were closed by cable Monday and Mr. Choate, on his return to this country about the first of June will, it is understood, take an active part in the Hyde campaign."

## Hyde Said No.

New York, April 20.—The committee of general agents of the Equitable Life Insurance Co. called on vice President Hyde today and requested him to resign.

He declined emphatically, saying that such a course would be cowardly and disgraceful.

## MORE EVIDENCE.

Of a Damaging Nature Against Judge Hargis.

Lexington, Ky., April 20.—In the Hargis trial today Moses Feltner testified that he attended a meeting between Judge Hargis and others at which the assassination of Attorney Marcum and Jim Cockrill was discussed.

Also testified that Judge Hargis offered him money to leave the country and not testify.

## \$60,000 DAMAGE

To the Fetter Publishing Company at Louisville.

Louisville, April 20.—The plant of the Geo. G. Fetter Publishing Co., at 426 West Main street, was damaged by fire this morning to the extent of \$60,000.

## VANDERBILT BURNING.

Nashville, Tenn., April 20.—Vanderbilt University is on fire and it is thought the entire building will be destroyed.

POISON IN CANDY.

Mysterious Present Sent to a Woman in Mobile.

Mobile, Ala., April 20.—A report was lodged at police headquarters of an attempt made on the life of Mrs. Florence Hogan by means of a box of candy sent here through the mails by some unknown person, presumably as a birthday present, yesterday being her anniversary. When she opened the box she found it contained fine candy but emitted a peculiar odor and was covered with fine powder. She took it to a drug store and was informed that it contained enough poison to kill fifty people. Detectives are on the case and it is understood the government will make an investigation.

## WILL SPREAD

STRIKE AT CHICAGO IS BECOMING WORSE.

Delivery of Coal to Concern Results in Others Being Called Out.

Chicago, April 20.—Indications are that the strike of teamsters will spread to firms who delivered coal to Montgomery, Ward & Co. For this reason strikers employed by Forbes Teaming company were ordered out.

The new employers teaming company began aggressive action against the striking teamsters by delivering coal to Ward & Co. Daniels & Co., a private concern, employing the union teamsters also made a delivery of coal to the firm.

Those who interfere with delivery of goods to Ward in the future will be brought before the grand jury instead of before police courts. The grand jury will be called upon to vote indictments in three specific cases where policemen had been assaulted.

## LETTER CARRIERS

May Adopt a Sick Benefit Fund For Members' Benefit.

Cleveland, O., April 20.—Officers and the advisory board of the National association of Letter Carriers met here. President Keller said the insurance and sick benefits were the principal subject for discussion. It was practically decided to recommend to the National association, which meets in Portland, Oregon, next September, the establishment of a sick benefit fund. The plan proposed will put the carriers throughout the country, no matter whether they are employed in large or small offices, on an equal footing as regards sick benefits.

## PANAMA'S ARMY

Consists of Three Men and 20 Officers.

Washington, April 20.—The standing army of the republic of Panama today consists of three men and twenty officers, and but for the fact that the statutes require that there shall be a standing army, there would not be even this remnant left. When the republic first began business there was an organized army of several hundred men.

## MURPHY STAYS

As Secretary of Canal Commission, With Station at Panama.

Washington, April 20.—It has been decided that Dominic Murphy, the secretary of the Isthmian Canal Commission, just retired, shall be continued in a like capacity with the new commission, with the same salary and allowances, but it will be necessary for him to take his station on the isthmus, where will be located the executive officers of the commission.

A part of the old force of employees necessary to conduct the business of the administrative branch located in Washington will be retained here and such of the remainder as are willing will be transferred to duty on the isthmus.

## MR. YERKES

Starts for California On Official Business.

Washington, April 20.—Hon. Jno. W. Yerkes, commissioner of internal revenue, will leave today for California on business connected with his bureau. He will stop at a number of points in the west on business for the government returning to Washington about the first of the week in June. Mrs. Yerkes will accompany Mr. Yerkes as far as Cincinnati, going thence to Danville and other Kentucky points to visit friends and relatives for five or six weeks.

## TURNING MOVEMENT NOW IN FULL SWING

Japanese Have Several Thousand Men and 22 Guns.

France Will Reply to Japan's Note—Togo Not Expected to Show Up in the Open at Present.

RUSSIA HAS 'EM GUESSING NOW

Yenkov, April 20.—Few transports are now arriving at New Chang. This contrast with the rush of traffic since the opening of Liao river indicates that precautions are being taken against possible interference by the Russian Pacific squadron. Vast accumulations of stores have already been made along the Japanese lines of communication, assuring full supplies to the armies in the field, even if transport service is interrupted.

## Waiting for Pacific Squadron.

Tokio, April 20.—Although not reported directly it is believed the Russian second Pacific squadron continues the occupation of Kamranh bay or some other port of Annam, where it is expected to remain until joined by the third Russian Pacific squadron.

The report that Rojstevsky is maintaining patrol and examining neutral shipping off Kamranh increases the irritation toward France for permitting the use of that port as a base of operations.

The Japanese government continues silence regarding the presentations on the subject which has been made to France. The press, however, continues its agitation against France, demanding vigorous action.

## Beginning to Be Alarmed.

London, April 20.—The British public is only now beginning to realize how much depends on Togo's skillful conduct of the approaching naval contest. Until Rojstevsky actually arrived in the straits of Malacca there was a disposition to ridicule the efforts of the Russian squadron; but now that there is seen to be a growing likelihood of Vice Admiral Nebogoff joining Rojstevsky before the fateful struggle opens, a warm interest is deepening into anxiety. According to a Tokyo correspondent of a new agency, a momentous war conference lasting five hours was held here Wednesday, attended by the elder statesmen, premier and ministers. It is not difficult to conjecture the nature of the council's deliberations.

## Still at Saigon.

Saigon, Cochinchina, April 20.—The Baltic fleet is still in Kamranh bay. Admiral Dejeunieres, commanding the French vessels in this region, has taken every step to secure the neutrality of France while the vessels remain in these waters.

## An Official Absconds.

London, April 20.—A dispatch from St. Petersburg says that there is a sensation caused there by the announcement that a prominent member of the council of the ministry of finance absconded, after embezzling a hundred and thirty thousand roubles from the treasury fund for supplying the army with provisions. Active search is being made for the official.

## France Will Reply.

Paris, April 20.—The report that the Japanese have protested through Dr. Motono, Japanese representative here, that the continuance of the Russian fleet in Kamranh bay is a breach of neutrality and have asked for an investigation, is confirmed. Minister of Foreign Affairs Delcasse has replied courteously. He said the information asked for would be furnished, but it would require time to obtain the facts and data.

## Strike Is Spreading.

St. Petersburg, April 20.—The general strike on the trans-Caucasian railway is spreading and train service is suspended. It is difficult to even send a telegram.

## Will Not Fight in the Open.

St. Petersburg, April 20.—The keenest interest is manifested in the dispatches referring to the Russian squadron commanded by Admiral Rojstevsky, but the admiralty claims to be as much in the dark as the public regarding the plans of the admiral. The report that part of the squadron was sighted off Hong Kong is not credited here, however, as Hong Kong is far off his route.

The main question now agitating the naval officials is whether Rojstevsky will elect to proceed northward through the Straits of Formosa or bear off into the Pacific through the Bashi Channel south of the island of Formosa, or Ballintang Channel

north of the island of Luzon. The conviction is growing stronger that the Japanese division is concentrating close to the shores of Japan and it is also believed that Admiral Togo will decline to give battle in the open sea.

This is what the admiralty hopes for as it believes Rojstevsky would have more than an even chance if the two squadrons lined up in an open fight. They believe that Togo's tactics will be night torpedo attacks in attempts to scatter the Russian ships, putting some of them out of action and then picking off the damaged vessels in the morning, as it is recognized that if one of the Russian ships is injured it might be too dangerous for the whole squadron to stand by her and thus offer a big target for the Japanese torpedoes. Such a running fight accompanied by night torpedo attacks is what is most dreaded.

The admiralty has no confirmation of the reported cutting of the cable connecting the island of Formosa with the Chinese main land at Foo Chow, but it is pointed out that even if true this would not sever communication with Formosa, as there is a direct cable from Kalung running by way of the Luchu Islands to Japan.

## Turning Movement Begins.

St. Petersburg, April 20.—A telegram from Chan Chevadski, Manchuria, says that the Russian patrol reports a turning movement begun 80 miles northwest of Kwanchentsi.

Two forces are participating, each composed of three thousand Chinese and several thousand Japanese, the latter supplied with 22 guns.

## France to Act Fair.

Paris, April 20.—The foreign office said today that the French ambassador at Tokio had not received any protest from Japan in regard to the alleged breach of neutrality in Indo-Chinese waters. "All we can say at present," said the official, "is that we are determined to act with fairness and not sanction any violations of neutrality."

## MORE DELAY

Jury Secured in Nan Patterson Case—Court Adjourns Until Monday.

New York, April 20.—The jury which is to decide the fate of "Nan" Patterson on trial for the third time upon a charge of murdering "Caesar" Young, was completed last night, when Recorder Goff adjourned court until next Monday.

Miss Patterson is to again face a jury composed almost entirely of married men, only one of the accepted panel being single, one a bachelor, the other a widower.

Most of the jurymen are men of middle age and beyond. Many of them have large families, some grown daughters who are married.

It is announced that the defendant will take the stand again during the present trial and tell her story of how Young met his death.

Attorney Levy announced today that he had new witnesses who will establish the innocence of Nan Patterson beyond doubt.

## HEAVY LOSSES

Will Be Suffered by Georgia Peach Crop as Result of Cold Wave.

Atlanta, Ga., April 20.—After a trip through North Georgia, State Entomologist Smith said:

"There is no doubt about the fact that 75 per cent. of the peach crop north of Atlanta is a total loss as the result of the recent cold weather. All the orchards throughout that section have suffered, some more than others, but from personal examination and information from various sources I feel safe in saying that there will not be more than one-fourth of a crop in this section."

## THE PRESIDENT

Receives Important Messages From Secretary Taft.

Washington, April 20.—Secretary Taft received a telegram from Secretary Loeb at Glenwood Springs, Colo., stating that he had transmitted to the president two long messages from Taft summarizing important matters of business, particularly relating to South America, which have occupied his attention since the president's departure. Loeb adds that he expected to hear from the president today and to be able to return an answer to these communications.

## Followed an Old Custom.

Vienna, April 20.—Following an ancient custom, Emperor Joseph today performed the ceremony of washing the feet of twelve aged men. Following the ceremony, the old men were presented with gifts by the emperor.

## Bought Ann Arbor Road.

Cincinnati, April 20.—Rudolph K. Leybolte & Co., bankers, announced today that they have purchased the Ann Arbor railroad from the Gould interests.

## CHILD'S BODY WAS FISHED OUT OF PIT

Was Seen Floating Back of a Slaughter House.

Was Badly Decomposed, But City Physician Pronounced It Body of Male Child, Matured.

THE CORONER TOOK CHARGE.

Luther Durrett, Rice Thornton and E. C. Ecker, residents of the North Side, made a greswome discovery this morning shortly before noon in a gravel pit near the Durrett slaughter house on North Sixth street. The men saw something peculiar looking floating about in the pit and on raking it into the bank, found it to be the body of a child.

The men notified Coroner Crow who went to the pit, swore the men and took what evidence he could in regard to the find. The men were passing the pit and being attracted by the foul smell and seeing the body floating, thought it best to investigate.

Coroner Crow took the remains, which were pretty badly decomposed, but not enough to prevent distinguishing the sex and color, to his office to prepare them for burial. City Physician Bass examined the body and found it to be that of a male and pronounced it fully matured. It could not be determined whether it was born dead or alive.

Coroner Crow has secured all the information possible, but the police will look into the matter and see if it is possible to secure a clue by which the case may be worked up.

## FILES INJUNCTION.

Railroad Contractor Tired of Annoyance of a Girl.

Knoxville, Tenn., April 20.—A sensational turn was given the litigation of W. J. Oliver, millionaire railroad contractor of this city, with Miss Nannie Cross, of Atlanta. She is suing Oliver for \$100,000 for alleged breach of promise. The new status of the litigation is made by the filing of a bill by Oliver against Miss Cross, enjoining her from hounding him and members of his family by calling herself Mrs. Oliver in stores and continually telephoning him and by numerous other alleged nuisances.

The bill claims that Oliver settled with her for some \$3,300 June 3, 1903, the day following his marriage in Clarksville.

Miss Cross is enjoined in this and other states from interfering with Oliver's railroad construction work, particularly in Georgia, where he is double-tracking the Southern railway, and where under the claim of being his common-law wife, he claims, she is attempting to bring suit and attach his property.

## NOT INSULTED.

Sixty Injured During Strike Rioting at Ponce, P. R.

San Juan, P. R., April 20.—Santiago Iglesias, the local organizer of the American Federation of Labor, who has arrived at the scene of the strike, confirms the statement of President Sanchez of the local organization at Ponce that the American flag was not insulted or torn when the police dispersed the Ponce gathering April 17. He says sixty persons were injured during the strike at Ponce, but nobody was seriously hurt.

The strikers demand an increase of wages and shorter hours. About 14,000 men are out on strike in the midst of the canning season, and the delay is injurious to the crops.

## LODGE INDICTED

For Running a Cafe Without Paying a License.

Mason City, Ia., April 20.—The grand jury has returned an indictment against the official directory of the Elks' lodge of this city for selling liquors without license.

The Elks maintain a club house and in it is conducted a buffet, which was an issue in a recent campaign. The club will pay a \$300 fine and abandon the buffet in compliance with public sentiment.

## MOTOR BOAT MISSING.

The Gregory Sailed for Gibraltar But Has Not Arrived.

Gibraltar, April 20.—Anxiety is felt here for the safety of the American Gasoline Motor Boat Gregory, which left Ponte De Lagada, in the Azores, April 5. The boat was bound for Gibraltar and no news has been received since she sailed.